

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NIKI CATRINA GONDOLA,

Plaintiff, :

-against- :

CAROLYN COLVIN, :
Acting Commissioner of Social Security, :

Defendant. :

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ORDER

18 Civ. 3173 (VEC/BCM)

The Court having considered Plaintiff's Motion for an allowance of attorneys fees under 42 USC § 406(b), hereby finds that:

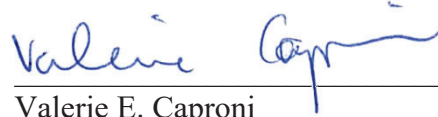
1. Plaintiff was represented by Irwin Portnoy of the firm of McAdam & Fallon, P.C.
2. Plaintiff, in an agreement, engaged the firm of McAdam & Fallon, P.C. to pursue a civil action herein, to review an adverse decision by Defendant.
3. In said agreement Plaintiff agreed to pay her attorney 25% of her retroactive benefit contingent on success.
4. This Court issued an order and Judgment remanding the within action for further administrative proceedings under sentence four, 42 U.S.C. § 405(g).
5. The administrative proceedings were completed, and resulted in an award of disability benefits to Plaintiff.
6. There is no reason to deduct from the fee that Plaintiff's attorney seeks by reason of any delay on his part, (a) or evidence of fraud, or overreaching by Plaintiff's attorney; (b) the results he achieved in this action achieved the object of the bargain made between the Plaintiff and her attorney, or (c) the character of his representation in this action.
7. The fee Plaintiff's attorney has applied for is reasonable under all the circumstances.

8. The Court gave Defendant until June 25, 2021 to respond in opposition to Plaintiff's motion for attorney's fees. *See* Order, Dkt. 48. The Court forewarned Defendant that the Court would treat Plaintiff's motion as unopposed if Defendant failed to respond by the deadline. Defendant did not respond to the Court's order. Accordingly, the Court treats Plaintiff's motion as unopposed.

NOW, THEREFORE, IT HEREBY IS ORDERED THAT

Plaintiff's attorney be paid the sum of \$21,190.38 and shall refund to Plaintiff, the moneys received pursuant to an award of attorneys fees under 28 U.S.C. § 2412.

The Clerk of Court is respectfully directed to close the open motions at docket entries 42, 45, and 46.



Valerie E. Caproni
United States District Judge

Date: July 2, 2021